

# **Fairfax County Comprehensive Plan and Related Inclusionary Zoning Affordable Housing Provisions**



The purpose of this paper is to provide a very brief introduction of affordable housing that is provided based on the County's Comprehensive Plan and related inclusionary zoning (IZ) provisions. More detailed program requirements may be found in the references located at the end of this document.

## **What is Affordable Housing:**

Affordable housing is defined in the Fairfax County Comprehensive Plan as housing that is affordable to households earning up to 120% of the Area Median Income (AMI). The County, working with developers, has created two programs which are designed to produce much needed additional affordable housing in Fairfax County.

The two programs are:

- Affordable Dwelling Unit (ADU) program which is designed to serve households earning up to 70% of AMI, and
- Workforce Dwelling Unit (WDU) program which is designed to serve households earning up to 120% AMI.

Additional facts:

- Under both programs, the developer receives bonus density in exchange for building and making available affordable units.
- Under current policy and regulations, for new participants in the program, the minimum term of affordability is 30 years, with the potential for rental WDUs to have a term of 50 years.
- Affordable units are to match the market rate units in terms of tenancy. So if the market rate units are rental, the affordable units must also be rental.
- Area Median Income (AMI) is normally stated for a family of four. The AMI for Fairfax County in 2013 is \$107,300 for a family of four. At 50% of AMI, the income for a family of four would be \$53,650. Qualifying income is adjusted upward or downward based on family size.

## **Affordable Dwelling Unit (ADU) Program:**

The ADU Program was initially adopted in 1990 as part of the Zoning Ordinance and as such is considered inclusionary zoning (IZ). The ADU program requires developers to set aside between 5% - 6 ¼% of new units as ADUs in apartment/condo developments that are up to 4 stories. In single family detached and townhouse developments that are 50 or more units the developer is required to set aside up to 12.5% of all new units.

### **Workforce Dwelling Unit (WDU) Program:**

The WDU program was created through a policy adopted by the Board of Supervisors in 2007 to provide affordable housing especially in mid and high-rise buildings which are exempt from the requirements of the ADU ordinance. The WDU policy is a proffer-based incentive system designed to encourage the voluntary development of new housing affordable to a range of moderate-income workers in Fairfax County's high-rise/high-density areas. The developer is expected to proffer at least 12% of all new units as affordable housing which may include both ADUs and WDUs. In Tysons, the policy provides that at least 20% of all new housing is expected to be affordable.

Fairfax County's WDU program was selected as winner of the Virginia Housing Award for the Best Housing Program in 2008.

### **Multi-family Rental:**

Under the ADU program, the rents are set such that one-third of the rental ADUs will serve households making 50% of AMI and the remaining two-thirds the rents are set to serve households making 65% of AMI.

The WDU policy calls for rents to be set to serve three income tiers: 80%, 100% and 120% of AMI.

In Tysons, with a 20% affordability target, typically 5% of the total units (i.e., one-quarter of the affordable units) are to have rents set to serve each of those three income tiers plus 5% of the total units (i.e., one-quarter of the affordable units) are to have rents set to serve households making 60% and 70% of AMI.

Under either program, the responsibility for leasing and managing the ADU and WDU rental units resides with the property owner. The property owner is required to report monthly to Fairfax County Department of Housing and Community Development (HCD) and to provide an annual income re-certification of each ADU/WDU tenant. The purpose of this annual re-certification is to ensure that tenants and landlords continue to meet all program requirements.

### **For-Sale:**

Under the ADU program, the for-sale units are priced to be affordable to households with incomes at or below 70% of the AMI. The Fairfax County Redevelopment and Housing Authority (FCRHA) has the right to acquire one-third of these for-sale units which are then placed in the Fairfax County Rental Program (FCRP). The remaining two-thirds (or in the case where the FCRHA does not exercise its right to purchase –all) of the units go into the First-Time Homebuyers (FTHB) program.

Under the WDU policy, the for-sale units are to be priced to serve three income tiers: 80%, 100% and 120% of AMI. In Tysons, with a 20% affordability target, typically 5% of the total units (i.e., one quarter of the affordable units) are to be priced to serve each of those three income tiers plus 5% of the units (i.e., one quarter of the affordable units) are to be priced to serve households making 60% and 70% of AMI.

### **Countywide Tracking:**

As of June 2013 a total of 2,499 ADUs have been delivered (1,139 rental and 1,360 for-sale units). The FCRHA has acquired 141 of the for-sale units, which are maintained as permanent affordable rental housing. There are 893 ADUs in projects that have received zoning approval but have not yet been built.

As of June 2013 a total of 3,819 WDUs have been proffered. Of these 61 have been delivered and the remaining 3,758 WDUs are in the pipeline. As of June 2013, there have been no for-sale WDUs.

### **References/Resources:**

Primary link for ADU/WDU information: <http://www.fairfaxcounty.gov/rha/adu/aduprogram.htm>

#### **Zoning Ordinance:**

- Section 2-800 of the Fairfax County Zoning Ordinance (ZO) is the Affordable Dwelling Unit Ordinance (ADU). **Please scroll to Part 8:** <http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art02.pdf>
- Section 2-1100 of the ZO deals with the Workforce Dwelling Units (WDU). **Please scroll to Part 11:** <http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art02.pdf>

#### **Comprehensive Plan Language:**

- Fairfax County Comprehensive Plan, Policy Plan, Land Use Section and the Housing Section (after clicking on the link, **please scroll to Land Use and to Housing**) <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/policyplan/>
- Fairfax County Comprehensive Plan, Tysons Corner Plan <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/adoptedtext/2007-23.pdf> (Pg. 33-35)

#### **Workforce Dwelling Unit Policy:**

- Fairfax County Board of Supervisors **Policy on Workforce Dwelling Units:** <http://www.fairfaxcounty.gov/dpz/zoning/workforceduboardpolicy.pdf>
- Fairfax County Board of Supervisors **Policy on Workforce Dwelling Units for Tysons Corner:** [http://www.fairfaxcounty.gov/tysons/housing/download/tysons\\_wdu\\_policy.pdf](http://www.fairfaxcounty.gov/tysons/housing/download/tysons_wdu_policy.pdf)

#### **Tenant Resources:**

- Fairfax County Redevelopment and Housing Authority provides many tenant resources which can be found at: <http://www.fairfaxcounty.gov/rha/>
- Affordable Housing Brochure – lists the various properties with ADUs and contact information to the private landlord: Using the above link, please **scroll down to Other Resources** and click on Affordable Dwelling Unit (ADU) Brochure: <http://www.fairfaxcounty.gov/rha/adu04-2013.pdf>